

HOUSE BILL REPORT

HB 1081

As Passed Legislature

Title: An act relating to requiring prehire screening for law enforcement applicants.

Brief Description: Requiring prehire screening for law enforcement applicants.

Sponsors: By Representatives McDonald, O'Brien, Morrell and Pearson.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/27/05, 2/3/05 [DP].

Floor Activity:

Passed House: 2/11/05, 98-0.

Senate Amended.

Passed Senate: 4/14/05, 38-0.

House Concurred.

Passed House: 4/18/05, 95-0.

Passed Legislature.

Brief Summary of Bill

- Makes it mandatory for all new law enforcement officers and officers that have been out of work for more than two years, to take and successfully pass a psychological and polygraph test as a condition of continued employment.
- Requires that the psychological tests to be administered by a Washington licensed psychiatrist or psychologist and the polygraph tests be administered by an experienced polygrapher who is a graduate of an accredited polygraph school.
- Authorizes hiring entities to charge each new recruit and returning officer a portion of the testing fee or to establish a payment plan for those officers that do not readily have the means to pay the testing fee.
- Requires the Criminal Justice Training Commission (CJTC) to deny peace officer certification to any officer that has failed the psychological and polygraph tests.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Yvonne Walker (786-7841).

Background:

The CJTC provides basic law enforcement training, corrections training, and educational programs for criminal justice personnel, including commissioned officers, corrections officers, fire marshals, and prosecuting attorneys.

CJTC Boards. The CJTC consists of two training standards and education boards: (1) the Board on Law Enforcement Training Standards and Education, and (2) the Board on Correctional Training Standards and Education. The Board on Law Enforcement Training Standards and Education (Board) is a 13 member Board charged with advising and recommending minimum curriculum standards to the CJTC for all training and education programs conducted for criminal justice personnel within their specific purview. The CJTC may adopt any curriculum standards as recommended by the Board and may also establish any rules and regulations recommended by the Board relating to the physical, mental, and moral fitness which governs the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provisions.

Training. Basic law enforcement officer training is generally required of all law enforcement officers, with the exception of volunteers, and reserve officers employed in Washington. The training consists of a 720-hour program covering a wide variety of subjects, including constitutional and criminal law and procedures, criminal investigation, firearms training, and communication and writing skills. All law enforcement personnel hired, transferred, or promoted, are required to complete the core training requirements within six months unless the employee receives a waiver from the CJTC.

Law Enforcement Certification. In addition to the basic training requirement, all Washington law enforcement officers must obtain and retain certification as a peace officer. As a prerequisite to certification, a peace officer must release to the CJTC all personnel files, termination papers, criminal investigation files, or any other files, papers, or information that are directly related to the certification or decertification of the officer. The CJTC has the authority to grant, deny, or revoke the certification of peace officers.

Furthermore, although not statutorily required, the WSP and several local law enforcement agencies around the state also require newly appointed peace officers to take and successfully pass a psychological examination and polygraph test as a part of their hiring process for law enforcement officers.

Summary of Bill:

All new full-time, part-time, and returning reserve officers must pass a psychological and polygraph test (or any similar procedure) as a condition of continued employment as a peace officer.

Each county, city, or state hiring law enforcement agency must require that every law enforcement officer applicant that has been offered a conditional offer of employment and every returning reserve officer that has been out of work for more than two years, to take and successfully pass a psychological and polygraph examination. The psychological examination must be administered by a Washington licensed psychiatrist or psychologist. Although, additional tests may be administered at the option of the employing law enforcement agency, at a minimum, the psychological exam must consist of a standardized clinical test that: 1) complies with accepted psychological standards; and 2) is widely used as an objective clinical screening tool for personality and psychosocial disorders. The polygraph examination or similar assessment must be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American Polygraph Association.

The hiring law enforcement agency is authorized to require those applicants taking the psychological and polygraph tests to pay a portion of the testing fee based on the actual cost of the test or \$400, whichever is less. In addition, the hiring entity may establish a payment plan for those instances where a peace officer may not readily have the means to pay for his or her portion of the testing fee.

The CJTC must deny peace officer certification to any officer that has lost his or her certification as a result of a break in law enforcement work of more than two years and has failed to pass the psychological and polygraph tests.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill was before the committee last year and passed the House unanimously. However, due to time constraints, the bill ended up dying on the Senate floor last year.

Over the last several years, many towns have been held liable to pay over \$500,000 to victims because they had officers on staff that have been found guilty of rape and other violent acts. The common thing among some of these cases is that these officers never passed any background psychological or polygraph test before being hired. It is not unreasonable to expect that if we are going to give someone a gun, a badge, and the trust that goes along with that position, then they should have the character and the background that goes along with it.

Many of the larger police agencies already require these tests, however there would be a fiscal impact to smaller agencies. About 75 percent of the law enforcement agencies in the state

have ten officers or less and are considered fairly small agencies. Many of these agencies use volunteer reserve officers. Reserve officers have to buy their own uniforms, equipment, and now they would be required to pay for their own psychological and polygraph tests.

The CJTC sole responsibility under this bill is to collect the testing information from the local agencies to ensure that the officers they hire have passed the required psychological and polygraph tests.

Testimony Against: None.

Persons Testifying: Representative McDonald, prime sponsor; Carri Brezonick, Washington State Criminal Justice Training Commission; and Larry Erickson, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.